

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the foregoing amendments and the following explanations and remarks.

On page 2 of the Office Action, claims 1-10 were objected to because the claims recited “a hollow arcuate duct having a lower end adapted to be secured to a top surface of the nozzle...”, but the specification describes the duct as being part of the nozzle, integral to the nozzle, rather than “adapted to be secured:”, and correction was required.

It is respectfully submitted that the claims, as now amended, more properly define the structure of the duct in terms that correspond to the description in the specification, and as now amended are sufficient to overcome the objection.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Desrosiers et al (US 4,091,496). Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by EP 353546, and claims 1 and 2 were also rejected under 35 U.S.C. 102(b) as being anticipated by Varin (US 4,564,972).

There was no indication in the Office Action of a rejection of claims 3-10 under 102(b) or 103(a), and none of the above references were cited against claims 3-10.

Since there was no rejection of claims 3-10 under 102(b) and 103(a) based on prior art, it is assumed that claim 3-10 would be allowable if rewritten to overcome the objection, and to include all of the limitations of the base claim and any intervening claims.

Rather than rewrite claim 3 in independent form, base claims 1 and 8 have been amended to include all of the features and limitations of claim 3, which should now make amended base claims 1 and 10 allowable base claims. Claims 2, and 4-9 depend directly or indirectly from amended base claim 1, and should now be allowable along with base claims 1 and 10 since they

now depend from an allowable base claim and inherently contain the subject matter believed to be allowable.

For a claimed invention to be properly rejected under 35 U.S.C. 102, the claimed invention must be completely described or illustrated within the four corners of a single prior art reference. The Seventh Circuit has also stated that:

“anticipation is strictly a technical defense...unless all of the same elements [of the sought-to-be patented device] are found [in a single prior art reference] in exactly the same situation and united in the same way to perform an identical function, [the former is not anticipated by the latter.]”

Illinois Tool Works, Inc. v. Sweetheart Plastics, Inc. 436 F.2nd 1180, 1182-83, 168 USPQ 451, 453-454 (7th Cir. 1971).

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

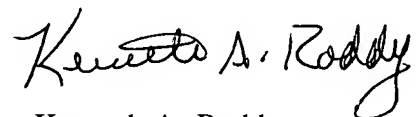
Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

With regard to the rejection of claims 1 and 2 under 35 U.S.C. 102(b), it is respectfully submitted that Desrosiers et al (US 4,091,496), EP 353546, and Varin (US 4,564,972) do not show or suggest all of the same elements of applicant's claimed invention, as recited in the amended claims in exactly the same situation and united in the same way to perform an identical function.

Accordingly, in view of the foregoing amendments, explanations and remarks it is respectfully requested that amended claims 1, 2, and 4-10 be allowed, and that this application be passed to issue.

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Respectfully submitted,



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